than decide whether, in the light of its judicial knowledge, the distinction drawn by the statute seems reasonable. No rational ground suggests itself for confining non-partisan elections to cities of any particular size, as such. *Wanser* v. *Hoos*, 60 N. J. L. 482, 38 Atl. 449. But *cf. State ex rel. Crow* v. *Fleming*, 147 Mo. 1, 44 S. W. 758; *Ladd* v. *Holmes*, 40 Ore. 167, 66 Pac. 714. But population furnishes a basis for differences in organization. Hence commission government may be confined to cities of a certain size. *State ex rel. Hunt* v. *Tausick*, 64 Wash. 69, 116 Pac. 651. Since commission government requires non-partisan officers more imperatively than does the bicameral system, it would seem that non-partisan elections in commission-governed cities may coexist with partisan elections in cities differently organized consistently with the constitutional requirement of uniformity. If so, the present statute should be sustained.

CORPORATIONS — TORTS AND CRIMES — CRIMINAL LIABILITY OF CORPORATION — CRIMINAL ACT OF AGENT FORBIDDEN BUT WITHIN SCOPE OF AUTHORITY. — The defendant's agent aided in the sale of liquor, contrary to the U. S. PENAL CODE, § 239. This was within the scope of the agent's authority, but was forbidden by the defendant's regulations. The jury were charged that the defendants were criminally responsible for such acts. *Held*, that the instruction was wrong. *John Gund Brewing Co.* v. *United States*, 204 Fed. 17.

There is a tendency at present to hold a corporation criminally liable even where *mens rea* is required. See 20 HARV. L. REV. 321; 22 HARV. L. REV. 537. While courts may have been loath to impose the stigma of criminality on an individual for the fault of his agent, no such considerations apply to corporations where a conviction can result only in a fine.

CRIMINAL LAW — PLEAS — WITHDRAWAL OF PLEA OF GUILTY. — The defendants in a criminal prosecution were induced to plead guilty, by the representation of the prosecuting attorney that the court would impose a light sentence. A heavy sentence, however, being imposed, the defendants moved for permission to withdraw the plea and plead not guilty. The trial court denied the motion. *Held*, that the sentence be vacated and the defendants permitted to withdraw the plea. *Griffin* v. *State*, 77 S. E. (Ga.) 1080.

The plea of guilty, being a confession in open court and a waiver of trial, has always been received with great caution. The court must see that the defendant thoroughly understands the situation and acts voluntarily before receiving it. *Gardner* v. *People*, 106 Ill. 76; *State* v. *Stephens*, 71 Mo. 535. Whenever the accused through ignorance, fraud, or intimidation has been induced to plead guilty he should be permitted to withdraw the plea. *Myers* v. *State*, 115 Ind. 554, 18 N. E. 42; *Swang* v. *State*, 2 Cold. (Tenn.) 212. This may be done at the discretion of the trial court before sentence. *Rex* v. *Plummer* [1902], 2 K. B. 339. In some jurisdictions this right is granted by statute. *State* v. *Kraft*, 10 Ia. 330; *People* v. *Richmond*, 57 Mich. 339, 24 N. W. 124. The same reasons would apply in favor of withdrawing a plea of guilty after sentence, and in America it is generally permitted. *City of Salina* v. *Cooper*, 45 Kan. 12, 25 Pac. 233; *Little* v. *Comm.* 142 Ky. 92, 133 S. W. 1149. *Contra*, *Regina* v. *Sell*, 9 Car. & P. 346. Whether this is so far within the court's discretion as not to be subject to review by an appellate court is a question of local practice. In some jurisdictions such rulings by the lower court are not open to review. *Comm.* v. *Tucker*, 189 Mass. 457, 76 N. E. 127. But judicial discretion is not usually regarded as an arbitrary power. *State* v. *McNally*, 55 Md. 559. Where the circumstances are such as to make the ruling of the lower court in denying the motion a clear abuse of its discretion, the ruling should be subject to review on appeal. *Deloach* v. *State*, 77 Miss. 691, 27 So. 618; *City of Salina* v. *Cooper*, *supra*. See 14 HARV. L. REV. 609.